

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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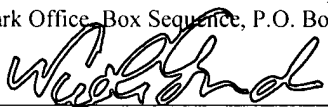
OCT 25 2002

TECH CENTER 1600/2900

Applicant: YU ET AL. Examiner: R. HAYES
Serial No.: 09/787,328 Group Art Unit: 1647
Filed: MARCH 16, 2001 Docket: 9548.50USWO
Confirmation No.: 9496
Due Date: NOVEMBER 2, 2002
Title: NEW HUMAN HEPATOMA-DERIVED GROWTH FACTOR ENCODING SEQUENCE
AND POLYPEPTIDE ENCODED BY SUCH DNA SEQUENCE AND PRODUCING
METHOD THEREOF

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202 on October 16, 2002.

By: 
Name: Nicole Landree

U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

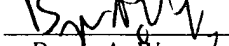
Sir:

We are transmitting herewith the attached:

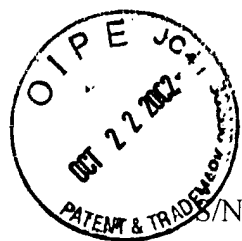
- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Amendment Including Version With Markings To Show Changes Made
- ☒ Proposed Changes to the Drawings and copy of Figures 1 and 2 with changes marked in red
- ☒ Response to Notice to Comply and Certificate Regarding Sequence Listing and copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
- ☒ Computer readable form of Sequence Listing. Applicants state that the paper copy form of the Sequence Listing section of the present application, and the computer readable form submitted herewith, are the same.
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: Bryan A. Wong
Reg. No.: 50,836
MSchumann:BAW:PSTkaw





#12/jrw
10-29-02

S/N 09/787,328

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	YU ET AL.	Examiner:	R. HAYES
Serial No.:	09/787,328	Group Art Unit:	1647
Filed:	MARCH 16, 2001	Docket No.:	9548.50USWO
Title:	NEW HUMAN HEPATOMA-DERIVED GROWTH FACTOR ENCODING SEQUENCE AND POLYPEPTIDE ENCODED BY SUCH DNA SEQUENCE AND PRODUCING METHOD THEREOF		

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By: 

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PROPOSED CHANGES TO THE DRAWINGS

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Applicants propose to amend Figures 1 and 2 as shown in red on the attached copies.

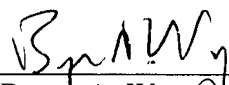
With the Examiner's approval, the changes will be made to the formal drawings in due course.



Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: October 16, 2002


Bryan A. Wong
Reg. No. 50,836
MDS:BAW:PSTkaw



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,328	03/16/2001	Long Yu	9548.50USWO ✓	9496

23552 7590 10/02/2002

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

MDS

EXAMINER

HAYES, ROBERT CLINTON

ART UNIT PAPER NUMBER

1647

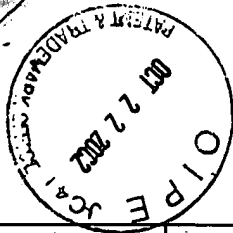
DATE MAILED: 10/02/2002

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SEQ Resp 1; Nov 02, 2002
SEQ Resp 3/PTA; Jan 02, 2003
SEQ Resp Stat; April 02, 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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PROLAW



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/787,328			

EXAMINER	
ART UNIT	PAPER NUMBER
	10

DATE MAILED:


Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 because 37 CFR 1.821 (a)(2)(c-d) states that *each sequence disclosed must appear separately in the "Sequence listing" and in the text of the description* and claims whenever described. For example, the mouse DNA and amino acid sequences in Figs. 1-2 do not appear to have their own SEQ ID NOs, and page 6 (lines 28, 29, 30, 31, 35 & 36), etc. of the specification needs to be amended to indicate the appropriate SEQ ID Nos. See MPEP 2422 & 2431. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Any inquiry concerning this communication should be directed to Examiner Robert C. Hayes, Art Unit 1647, whose telephone number is 703-305-3132.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.


Robert C. Hayes, Ph.D.
October 1, 2002


GARY KUNZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600



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S/N 09/787,328

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Applicant:	YU ET AL.	Examiner:	R. HAYES
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By: 
Name: Nicole Landree

**RESPONSE TO NOTICE TO COMPLY AND
CERTIFICATE REGARDING SEQUENCE LISTING**

U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202



Dear Sir:

This paper is being filed in response to the Examiner's communication mailed October 2, 2002. In response to the Notice to Comply and in accordance with the requirements of 37 C.F.R. § 1.821 - § 1.825, Applicants enclose herewith a substitute computer readable form of the Sequence Listing. In addition, a paper copy of the substitute Sequence Listing is also provided. Please insert the substitute paper copy into the file. Applicants state that the substitute paper copy of the Sequence Listing of the present application and the computer readable form submitted herewith are the same. Applicants hereby state that the substitute computer readable form and the paper copy of the Sequence Listing enclosed do not include new matter.

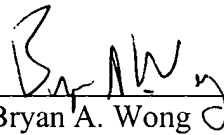


Pursuant to the Examiner's request, also enclosed is a copy of the Notice to Comply with the sequence listing rules.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: October 16, 2002



Bryan A. Wong
Reg. No. 50,836
MDS:BAW:PSTkaw



Application No. 9/787,328

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

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Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

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For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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